

1960

## c 392 Teachers' Superannuation Act

Ontario

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## CHAPTER 392

**The Teachers' Superannuation Act****1. In this Act,**Interpre-  
tation

- (a) "board" means a board of public school trustees, board of separate school trustees, board of trustees of a continuation school, high school board, collegiate institute board or board of education;
- (b) "Commission" means the Teachers' Superannuation Commission;
- (c) "Department" means the Department of Education;
- (d) "employed" means engaged under contract for any period,
  - (i) as a teacher in an elementary school or a secondary school,
  - (ii) as a teacher in a school or class designated by the regulations,
  - (iii) as a teacher in a school outside Ontario under a teachers' exchange system authorized by the Minister,
  - (iv) as a teacher in a school or class that is maintained by the Government of Canada or the Government of Ontario, or both, for the instruction of members or former members of Her Majesty's Canadian forces and that is designated by the regulations, where the teacher has elected to come under this Act,
  - (v) as a teacher in a teachers' college, a provincial technical or polytechnical institute, a railway-car school, the Ontario College of Education, the University of Toronto Schools, the Ontario College of Art, the Ontario School for the Deaf, the Ontario School for the Blind, the Province of Ontario Correspondence Courses, the Royal Ontario Museum, or The Lakehead College of Arts, Science and Technology,
  - (vi) as an inspector or in a supervisory capacity by a board,

- (vii) as an officer of an association or body of teachers engaged in advancing the interests of education and designated by the regulations,
- (viii) as an officer of an association or body of boards or of school trustees and ratepayers engaged in advancing the interests of education and designated by the regulations,
- (ix) by the Minister or a board in any capacity designated by the regulations,

but no person shall be deemed to be employed who,

- (x) is not qualified as a teacher under the Acts and regulations administered by the Department,
- (xi) is regularly engaged outside Ontario and who is performing services in Ontario under a teachers' exchange system approved by the Minister, or
- (xii) is a contributor to the Public Service Retirement Fund or to a fund to which the Crown contributes except the Teachers' Superannuation Fund;

(e) "Fund" means the Teachers' Superannuation Fund;

(f) "Minister" means the Minister of Education;

(g) "regulations" means the regulations made under this Act;

(h) "Treasurer" means the Treasurer of Ontario. R.S.O. 1950, c. 384, s. 1; 1951, c. 86, s. 1; 1953, c. 103, s. 1; 1954, c. 93, s. 1; 1957, c. 122, s. 1; 1960, c. 119, s. 1.

Commission,  
continued

**2.**—(1) The Teachers' Superannuation Commission is continued. R.S.O. 1950, c. 384, s. 2 (1), *revised*.

composition

(2) The Commission shall be composed of,

- (a) six persons who shall be appointed by the Minister; and
- (b) five contributors to the fund who shall be elected by ballot by the contributors to the fund who are members of the teachers' organizations designated in the regulations. 1959, c. 99, s. 1 (1).

chairman

(3) The Minister shall designate triennially one of the members as chairman.

(4) When a vacancy occurs among the members, another <sup>vacancies</sup> member shall be appointed or elected, as the case may be, so soon as is practicable after the vacancy occurs, and the person so appointed or elected shall hold office for the unexpired portion of the term of the member he replaces.

(5) Each member is eligible for re-appointment or re-<sup>re-election,</sup> election, as the case may be. R.S.O. 1950, c. 384, s. 2 (3-5).<sup>etc.</sup>

(6) Each member shall hold office for three years and until <sup>term of</sup> his successor is appointed or elected, as the case may be. <sup>office</sup> R.S.O. 1950, c. 384, s. 2 (6); 1959, c. 99, s. 1 (2).

(7) The Commission shall meet in the offices of the Depart-<sup>meetings</sup> ment of Education in Toronto on the third Friday in September, November and January, the Thursday following Easter, the third Saturday in June and at such other times as the chairman determines. R.S.O. 1950, c. 384, s. 2 (7).

(8) Eight members constitute a quorum. 1959, c. 99, s. 1 (3). <sup>quorum</sup>

**3.** It is the duty of the Commission to administer this Act <sup>Duties</sup> and in so doing it shall determine the right of every applicant <sup>and powers</sup> to receive an allowance or a refund and the amount thereof. R.S.O. 1950, c. 384, s. 3.

**4.** The Lieutenant Governor in Council may appoint a <sup>Officers,</sup> secretary, an actuary, a solicitor, a medical referee and such <sup>clerks, etc.</sup> other officers and staff of the Commission as he deems proper, all of whom shall be paid out of the Fund. R.S.O. 1950, c. 384, s. 4.

**5.—(1)** The Teachers' Superannuation Fund is continued. <sup>Fund</sup>

(2) The Treasurer is the custodian of the Fund. R.S.O. <sup>Custodian</sup> 1950, c. 384, s. 5 (1, 2), <sup>of Fund</sup> *revised*.

(3) The actuary of the Commission shall make an actuarial <sup>Actuarial</sup> valuation of the Fund as of the 31st day of December, 1958, <sup>valuation</sup> and as of the 31st day of December of each third year thereafter, but the Minister may direct him to make additional actuarial valuations of the Fund at any time. 1959, c. 99, s. 2; 1960, c. 119, s. 2.

**6.** The Commission may receive any gift, devise or bequest <sup>Receiving</sup> made to or for the purposes of the Fund and shall pay it or <sup>gifts, etc.,</sup> the proceeds thereof into the Fund to be applied as directed <sup>for Fund</sup> by the donor, and, if so directed, in additional benefits to those provided by this Act or, in the absence of such a direction, to the general purposes of the Fund. R.S.O. 1950, c. 384, s. 6.



Issue of  
Ontario  
Government  
stock  
confirmed

7.—(1) The issue by the Treasurer of Ontario Government stock in the sum of \$31,200,000 dated the 1st day of November, 1942, and bearing interest at the rate of  $4\frac{3}{4}$  per cent per annum payable half-yearly and maturing on the 1st day of November, 1982, and being a charge upon the Consolidated Revenue Fund, is confirmed. R.S.O. 1950, c. 384, s. 7 (1).

1952 issue  
of 40-year  
Ontario  
Government  
stock  
confirmed

(2) The issue by the Treasurer of Ontario Government stock in the sum of \$43,000,000 dated the 1st day of November, 1952, and bearing interest at the rate of  $4\frac{1}{2}$  per cent per annum payable half-yearly and maturing on the 1st day of November, 1992, and being a charge on the Consolidated Revenue Fund, is confirmed.

Annual  
debentures  
1952-1962  
authorized

(3) In each year during the period commencing the 1st day of November, 1952, and ending on the 1st day of November, 1962, the Treasurer shall issue Ontario Government debentures or stock for the amount of the surplus funds in the Fund accumulated and not required for current expenditures, such debentures or stock to become due and payable on the 1st day of November, 1962, and to bear interest at the rate of  $4\frac{1}{2}$  per cent per annum payable half-yearly.

1962 issue  
of 40-year  
Ontario  
Government  
stock  
authorized

(4) On the 1st day of November, 1962, the Treasurer shall issue Ontario Government debentures or stock for the amount of the surplus funds accumulated in the Fund and not required for current expenditures and for the amount of the debentures or stock issued during the preceding ten-year period under subsection 3, such debentures or stock to become due and payable on the 1st day of November, 2002, and to bear interest at the rate of  $4\frac{1}{2}$  per cent per annum payable half-yearly. 1953, c. 103, s. 3.

Debentures  
authorized,  
10-year  
periods

(5) In each year during each succeeding ten-year period the Treasurer shall issue Ontario Government debentures or stock for the amount of surplus funds in the Fund accumulated from time to time and not required for current expenditures, such debentures or stock to become due and payable on the last day of such ten-year period and to bear interest, payable half-yearly, at a rate agreed upon at the beginning of such period between the Treasurer and the Commission and approved by the Lieutenant Governor in Council as being applicable for that period.

Forty-year  
debentures

(6) On the 1st day of November, 1972, and on the 1st day of November of each succeeding ten-year period, the Treasurer shall issue Ontario Government debentures or stock for the amount of the surplus funds accumulated in the Fund and not required for current expenditures and for the amount of the debentures or stock issued during the next preceding ten-year period under subsection 5, such debentures or stock to become

due and payable at the end of a period of forty years from the date of issue and to bear interest at the same rate as the debentures or stock issued under subsection 5 during the ten-year period next preceding the date of the issue of such forty-year debentures or stock.

(7) The Ontario Government debentures and stock issued under this section are a charge upon the Consolidated Revenue Fund. Charge on Consolidated Revenue Fund

(8) All securities belonging to the Fund shall be deposited with the Treasurer who is responsible for their safekeeping. R.S.O. 1950, c. 384, s. 7 (6-9). Securities to be deposited

8. When the payments into the Fund in any year are insufficient to make the required payments out of the Fund, the deficiency shall be made up out of the Consolidated Revenue Fund. R.S.O. 1950, c. 384, s. 8. Deficiency

9. Accounts shall be kept in which shall be entered all assets and liabilities and payments into and disbursements out of the Fund. R.S.O. 1950, c. 384, s. 9. Accounts

10. The period from the 1st day of November to the 31st day of October of the year next following constitutes the fiscal year of the Commission. R.S.O. 1950, c. 384, s. 10. Fiscal year

11. Except where otherwise specifically provided by this Act, Interest

- (a) interest payable under this Act or the regulations shall be at the rate of  $4\frac{3}{4}$  per cent per annum, compounded half-yearly; and
- (b) interest shall be payable on any payment into or out of the Fund, other than an allowance, which is six months or more in arrear. R.S.O. 1950, c. 384, s. 11.

12.—(1) The accounts of the Fund shall be audited and the securities in which the moneys of the Fund may be invested shall be examined and checked in each year by the Provincial Auditor or by such other auditor as the Lieutenant Governor in Council appoints, and the auditor shall make an annual report, and prepare and furnish such other statements to the Treasurer as he requires. Audit

(2) The cost of such audits and reports shall be paid by the Commission out of the Fund. R.S.O. 1950, c. 384, s. 12. Costs and expenses of audit

13.—(1) The Commission shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Commission. Annual report

Tabling  
report

(2) The Provincial Secretary shall submit the report to the Lieutenant Governor in Council and shall lay the report before the Assembly, if it is then in session, or if not, at the next ensuing session. R.S.O. 1950, c. 384, s. 13.

Payments  
into Fund

**14.** An account shall be kept in a chartered bank of Canada in the name of the Treasurer as custodian of the Fund, and every amount received as a payment into the Fund shall be deposited to the credit of such account. R.S.O. 1950, c. 384, s. 14.

Payments  
out of Fund

**15.**—(1) Every allowance, every refund, and the expenses of the administration of this Act are payable out of the Fund and every such payment shall be made by the cheque of the Treasurer signed by him or by the Deputy Treasurer or by such other person as is appointed by the Treasurer for that purpose, and countersigned by the chairman of the Commission or by any other member of the Commission designated by the Commission.

Days of  
employment  
to be  
indicated

(2) The payee of a cheque for an allowance shall indicate on the back thereof the number of days, if any, he was employed during the month for which the cheque was issued, and if he fails to do so, the Commission may direct that no further allowance be paid him until he complies with this subsection. R.S.O. 1950, c. 384, s. 15.

Bank loans

**16.**—(1) The Treasurer, as custodian of the Fund, may, at the request of the Minister, arrange for a chartered bank of Canada to advance to the Fund, by way of overdraft or otherwise, any amount required temporarily to provide for payments out of the Fund and may furnish securities of the Commission as security therefor, and every such advance shall be repaid within one year out of interest or contributions to the Fund, or both. R.S.O. 1950, c. 384, s. 16.

Short-term  
investments

(2) The Treasurer, as custodian of the Fund, may at the request of the Minister, when both the Treasurer and the Minister deem it advisable for the sound and efficient management of the Fund, invest any part of the Fund for any period not exceeding twelve months in any securities in which the Treasurer may invest the public moneys of Ontario. 1955, c. 86, s. 1.

Designated  
private  
schools

**17.**—(1) Any school, college, academy or other educational institution,

(a) that is giving instruction equivalent to that given in elementary or secondary schools in Ontario;



- (b) that is not operated for personal profit or gain and where the profits, if any, are used to develop its objects;
- (c) that is not supported in any way by school taxes or by provincial or municipal grants; and
- (d) whose governing body has undertaken in writing,
  - (i) to make such annual reports to the Commission as the Commission requires and to supply such information as to its constitution, operations, teaching staff and otherwise as the Commission requires, and
  - (ii) to pay monthly to the Commission a sum equal to 6 per cent of the salaries of the persons on its teaching staff who are contributing to the Fund under this section together with a sum calculated thereon at a rate equal to the rate of the contributions to the Fund made by the Province from time to time under section 23,

may be designated by the Lieutenant Governor in Council as a private school for the purposes of this Act, effective on the 1st day of September next following the designation, and thereupon this Act and the regulations apply to such designated private school as if it were specifically named in subclause v of clause d of section 1.

(2) Where a person on the teaching staff of a designated private school who is contributing to the Fund receives, in addition to his salary, any board, lodging or other perquisite, his salary shall, for the purposes of this Act, be determined by the Commission, regard being had to the value of the board, lodging or other perquisite. Determination of salary

(3) Subject to the right of a person to establish credit in the Fund in respect of war service under subsection 6, a person may establish credit in the Fund under this section only in respect of teaching service rendered while qualified as a teacher under the Acts and regulations administered by the Department and only in respect of teaching service equivalent to that given in elementary or secondary schools in Ontario. What teaching service may count

(4) Subject to subsection 3 and except as provided in subsection 5, every person on the teaching staff of a designated private school shall be deemed to be employed within the meaning of this Act. Who must contribute for current service

(5) Every person who commenced his duties on the teaching staff of a designated private school before the designation be- Exception



comes effective may, by notice in writing to the governing body of the school and to the Commission given within three months after the designation becomes effective, exclude himself from the benefits and obligations of this Act so long as he remains on the teaching staff of a designated private school.

Establish-  
ment of  
credit for  
past  
service

(6) Every person who comes within subsection 4 may establish credit in the Fund in respect of past teaching service in any designated private school in accordance with the regulations or in any other school to which this Act applies in accordance with section 50, or in respect of war service in accordance with the regulations.

Termina-  
tion of  
designation

(7) The Lieutenant Governor in Council may terminate the designation of a designated private school effective on the 31st day of August next following, and thereupon the persons on the teaching staff of that school who contributed to the Fund shall, for the purposes of this Act, be deemed to have withdrawn from the profession. 1957, c. 122, s. 2.

Contribu-  
tions

**18.—**(1) Every person who is employed shall contribute to the Fund 6 per cent of his salary.

Salaries  
under  
\$1,000

(2) Where the annual rate of salary is less than \$1,000, it shall, for the purposes of this section, be deemed to be at the annual rate of \$1,000. R.S.O. 1950, c. 384, s. 17 (1, 2).

Interpre-  
tation

(3) In this section, "salary" means the yearly salary specified in the contract of employment between the person and his board and includes a cost of living or other similar bonus but does not include any additional remuneration for extra services. 1958, c. 109, s. 1.

Salary from  
different  
sources

(4) Where a person receives part of his salary in respect of employment of a type prescribed in subclauses i to ix of clause d of section 1 and part of his salary in respect of other employment, for the purposes of this Act,

- (a) his salary shall be deemed to be only the amount of the salary that he receives in respect of such prescribed employment; and
- (b) he shall be given credit for only that portion of each school year that bears the same proportion to the school year as the portion of his salary that he receives in respect of such prescribed employment bears to his total salary for such year. R.S.O. 1950, c. 384, s. 17 (4).

Contribu-  
tions to be  
deducted

**19.—**(1) Contributions shall be deducted by the board or other authority employing the person from each payment of his salary and the Treasurer shall annually deduct the total

amount of such contributions from the total legislative grant payable to the board or other authority and place it to the credit of the Fund, but, if the amount of such grant is less than the total amount of such contributions, the board or other authority shall pay the balance to the Treasurer, who shall place it to the credit of the Fund. R.S.O. 1950, c. 384, s. 18 (1).

(2) Every board and other authority shall report to the Commission at the beginning of each calendar year as to the contributions it deducted in the next preceding calendar year. 1953, c. 103, s. 4.

**20.** In the case of a person who is a contributor to the Fund and whose salary is paid by the Government of Ontario, the amount payable by him shall be retained out of his salary and placed to the credit of the Fund. R.S.O. 1950, c. 384, s. 19.

**21.** A person who,

- (a) ceases to be employed or is granted leave of absence from his employment without salary for any purpose and for a period permitted by the regulations; or
- (b) is employed by a board that refuses or neglects to comply with section 19, or that by reason of non-compliance with any statute or regulation is not entitled to share in the legislative grant for the schools under its jurisdiction,

When  
contributions  
may be  
made  
directly

may contribute to the Fund on such terms and conditions and at such times as the regulations prescribe. R.S.O. 1950, c. 384, s. 20; 1957, c. 122, s. 3.

**22.** Any contribution, except when made under clause *a* of section 21, that through error has not been received in the regular way and at the customary time may be subsequently accepted by the Commission. R.S.O. 1950, c. 384, s. 21.

Error in  
tendering  
contribution

**23.** Annually and at the same time as contributions are placed to the credit of the Fund under section 19, the Treasurer shall place to the credit of the Fund,

Contribu-  
tions by  
Province

- (a) sums equal to those contributed under section 18;
- (b) sums equal to those transferred from the Public Service Retirement Fund; and
- (c) in the case of moneys paid into the Fund under the regulations for the purpose of establishing service credits, sums equal to the sums he would have credited to the Fund if such moneys had been con-

tributed in the usual way during the periods represented by the service credits. 1955, c. 86, s. 2; 1957, c. 122, s. 4.

**Interest**

**24.** All sums placed to the credit of the Fund during a fiscal year under subsection 1 of section 19 and section 23 shall be deemed to have been credited as of the 1st day of June in the preceding fiscal year, and the Treasurer shall pay interest thereon at the rate of 4 per cent for the period between that day and the last day of the fiscal year in which the sums were actually received. 1953, c. 103, s. 5.

**Retirement  
at 62 after  
35 years  
service, "A"  
pension**

**25.—(1)** Every person who,

- (a) has credit in the Fund for thirty-five or more school years;
- (b) is sixty-two or more years of age; and
- (c) has ceased to be employed,

is entitled to an annual superannuation allowance during his lifetime. R.S.O. 1950, c. 384, s. 24 (1).

**Amount**

(2) The amount of such allowance shall be computed by dividing the amount of his average salary for the last ten years for which he made contributions to the Fund by 50 and multiplying the quotient by a number equal to the number of school years for which he has credit in the Fund, but not exceeding 35.

**Computation**

(3) For the purpose of computing the amount of such allowance,

- (a) each school year for which his contributions are in the Fund at the time of his application for an allowance counts as a school year of credit;
- (b) each school year for which he was employed before the 1st day of April, 1917, counts as one-half school year of credit; and
- (c) each school year for which he made contributions to the Public Service Superannuation Fund, which contributions are in the Fund at the time of his application for an allowance, counts as a school year of credit.

**Where less  
than \$600**

(4) If the amount of such allowance as computed is less than \$600, it shall be \$600. R.S.O. 1950, c. 384, s. 24 (2); 1953, c. 103, s. 6; 1954, c. 93, s. 2, *amended*.



**26.**—(1) Every person who,

(a) has credit in the Fund for forty or more school years; and

Retirement  
after 40  
years  
service, "A"  
pension

— (b) has ceased to be employed,

is entitled to an annual superannuation allowance during his lifetime. R.S.O. 1950, c. 384, s. 25 (1).

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 25 but no such allowance shall be less than \$600. R.S.O. 1950, c. 384, s. 25 (2); 1953, c. 103, s. 7.

Amount

**27.**—(1) Every person who,

(a) has credit in the fund for thirty or more school years; and

Retirement  
after 30  
years  
service, "B"  
pension

(b) has ceased to be employed,

is entitled to an annual superannuation allowance during his lifetime. R.S.O. 1950, c. 384, s. 26 (1).

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 25 but is subject to such reduction as is prescribed by the regulations having regard to the length of service and to the age of the applicant, but no such allowance shall be less than \$600. R.S.O. 1950, c. 384, s. 26 (2); 1953, c. 103, s. 8.

Amount

**28.**—(1) Every person who,

(a) has credit in the Fund for twenty-five or more but less than thirty years;

Retirement  
after 25  
years  
service, "B"  
pension

(b) has been employed for five years or more after attaining the age of fifty-five years; and

(c) after attaining the age of sixty-two years has ceased to be employed,

is entitled to an annual superannuation allowance during his lifetime. R.S.O. 1950, c. 384, s. 27 (1).

(2) The amount of such allowance shall be computed in the manner prescribed in subsection 2 of section 25 but is subject to such reduction as is prescribed in the regulations having regard to the length of service of the applicant, but no such allowance shall be less than \$600. R.S.O. 1950, c. 384, s. 27 (2); 1953, c. 103, s. 9.

Amount

**29.**—(1) Every person who,

(a) has credit in the Fund for fifteen or more school years;

Retirement  
on account  
of total  
permanent  
disability,  
"C" pension



(b) while employed becomes mentally or physically incapacitated to a degree that in the opinion of the Commission renders him incapable of further earning his livelihood; and

(c) makes application therefor within two years from the date upon which he was last employed,

is, subject to section 44, entitled to an annual disability allowance during his lifetime. R.S.O. 1950, c. 384, s. 28 (1).

Amount

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 25 but no such allowance shall be less than \$600. R.S.O. 1950, c. 384, s. 28 (2); 1953, c. 103, s. 10.

Retirement  
on account of  
permanent  
disability  
as teacher,  
"CB"  
pension

**30.—**(1) Every person who,

(a) has credit in the Fund for fifteen or more school years;

(b) while employed becomes mentally or physically incapacitated to a degree that in the opinion of the Commission renders him incapable of being further employed as a teacher or inspector; and

(c) makes application therefor within two years from the date upon which he was last employed,

is, subject to section 44, entitled to an annual disability allowance during his lifetime. R.S.O. 1950, c. 384, s. 29 (1).

Amount

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 25 but is subject to such reduction as is prescribed by the regulations having regard to the length of service and to the age of the applicant, but no such allowance shall be less than \$600. R.S.O. 1950, c. 384, s. 29 (2); 1953, c. 103, s. 11.

Student  
teachers  
with im-  
pairment

**31.—**(1) Where the medical examination prescribed for admission to the Ontario College of Education or to a teachers' college discloses in a person a mental or physical impairment, defect or condition, or a history of any of them, that in the opinion of the Commission does not render the person incapable of being employed but might subsequently render him incapable of being employed by re-occurrence, worsening or the development of sequelae or complications, the person shall be admitted to the Ontario College of Education or to the teachers' college only if he signs a consent in the prescribed form to have this section apply to him in the event of his becoming employed.

(2) A person who has signed a consent under subsection 1<sup>Re-examination</sup> and who has been employed for fourteen or more school years may apply to the Commission for re-examination and, if in the opinion of the Commission the re-examination discloses that the mental or physical impairment, defect or condition in respect of which he signed the consent, or a complication or sequela thereof, is no longer likely to render him incapable of being employed, the Commission may cancel the consent and thereafter this section ceases to apply to him. 1959, c. 99, s. 3.

(3) Every person who has signed a consent under sub-<sup>Allowance</sup> section 1 and who,

- (a) has credit in the Fund for fifteen or more school years;
- (b) while employed becomes mentally or physically incapacitated to a degree that in the opinion of the Commission renders him incapable of being further employed; and
- (c) makes application therefor within two years from the date upon which he was last employed,

is, subject to section 44, entitled to an annual disability allowance during his lifetime.

(4) The amount of such allowance shall be,

Amount

- (a) in the case of a person who has credit in the Fund for less than twenty-five school years, an amount equal to that which would be payable under an annuity issued under the *Government Annuities Act* <sup>R.S.C. 1952, c. 132</sup> (Canada) purchased at the rates in force at the date of such application with an amount equal to all the contributions made by him to the Fund together with those made on his behalf by the Treasurer; and
- (b) in the case of a person who has credit in the Fund for twenty-five or more school years,
  - (i) the amount that he would be entitled to receive under section 25, 26, 27 or 28, or
  - (ii) the amount computed in the manner prescribed by clause a,

whichever is the larger. R.S.O. 1950, c. 384, s. 30 (2, 3).

**32.**—(1) Where a male person who has credit in the Fund <sup>Dependant's allowance, "D" pension</sup> for fifteen or more years dies while employed or within two years after ceasing to be employed on account of ill-health, or within one year after ceasing to be employed for any reason other than ill-health during which year he manifested to the

satisfaction of the Commission a *bona fide* intention of becoming employed as soon as possible, or where a male person who is in receipt of an allowance dies,

(a) leaving a widow, a dependant's allowance of an amount equal to,

(i) one-half of the allowance computed in the manner prescribed in subsection 2 of section 25, but based on the person's credit in the Fund at the time of his death, or

(ii) one-half of the allowance that the person was receiving at the date of his death,

as the case may be, shall be paid to his widow during her lifetime or during her widowhood, and where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of eighteen years, a dependant's allowance of an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

(b) leaving no widow but leaving a child or children under the age of eighteen years, a dependant's allowance of an amount equal to,

(i) one-half of the allowance computed in the manner prescribed in subsection 2 of section 25 but based on the person's credit in the Fund at the time of his death, or

(ii) one-half of the allowance that the person was receiving at the date of his death,

as the case may be, shall be paid to such child or children until such age is attained.

Exceptions

(2) Subsection 1 does not apply to the widow of a person if she married him after he attained the age of sixty years or after the date of his retirement, or to the children of any such widow.

Where dependant's allowance to be reduced

(3) Where the widow was at least ten years younger than her deceased husband, the payments under subsection 1 shall be reduced in such manner and in such amount as the regulations prescribe. R.S.O. 1950, c. 384, s. 31 (1-3).

Where person is a female

(4) This section applies *mutatis mutandis* to the widower of a female person where,

(a) the widower was permanently incapacitated and wholly supported by the deceased wife at the time



of her death or at the time of her cessation of employment, whichever was the earlier;

(b) she had been married to the widower for at least ten years at the time of her death or at the time of her cessation of employment, whichever was the earlier; and

(c) the child or children, if any, were fully supported by the person at the time of her death. R.S.O. 1950, c. 384, s. 31 (4); 1953, c. 103, s. 12.

(5) This section applies *mutatis mutandis* to the child or Children of deceased female teachers children of a female person,

(a) who was a widow at the time of her death; or

(b) who was married at the time of her death and who supported such child or children at the time of her death, where the widower is not entitled to an allowance under subsection 4.

(6) In this section, "child" includes an adopted child and Interpretation a step-child and "children" has a corresponding meaning.

(7) The minimum payment under this section shall be at Minimum dependant's allowance the rate of \$300 per annum. R.S.O. 1950, c. 384, s. 31 (5-7).

**33.** Where a person referred to in subclause ii of clause *a* Recomputation of "CE" to "C" pension for purposes of "D" pension or subclause ii of clause *b* of subsection 1 of section 32 was receiving a disability allowance under section 30 at the time of his death and provision was made for a special medical re-examination and no decision was made by the Commission on such re-examination, the Commission may, if it is of the opinion, having regard to the facts established at the time of his death, that the person should have been receiving a disability allowance under section 29, recompute his allowance under section 29 as of the date of his death for the purposes of a dependant's allowance under section 32. 1960, c. 119, s. 3.

**34.—(1)** A person to whom section 32 cannot apply may, Annuity in lieu of annual allowance by a direction in writing signed by him and deposited with the Commission at least two years before he ceases to be employed, direct that the allowance to which he would be entitled be converted and paid as an annuity to him upon his retirement for his lifetime and, after his death, at one-half the rate to any dependant named in the direction.

(2) A person who has not given a direction within the time Where direction not given prescribed in subsection 1 may, at a later date, but not after making application for an allowance, give such a direction upon passing a medical examination satisfactory to the Commission.



Revocation  
of direction

(3) A person who has given a direction under this section may, at any time before he ceases to be employed, revoke it.

Where  
direction not  
effective

(4) Where a person who has given a direction under this section dies,

(a) before he makes application for an allowance; or

(b) before he ceases to be employed,

the direction has no effect. R.S.O. 1950, c. 384, s. 32.

Application  
for  
allowance

**35.** An allowance under this Act shall be made only after the receipt by the Commission of an application therefor in the prescribed form. R.S.O. 1950, c. 384, s. 33.

Proof of  
disability

**36.** No application for a disability allowance shall be considered by the Commission until the Commission has obtained,

(a) the certificate of a legally qualified medical practitioner designated by the Commission, certifying that while employed the applicant became mentally or physically incapacitated and indicating the nature and degree of the incapacitation; and

(b) the report of the medical referee of the Commission containing such recommendations as he deems proper with regard to the granting of an allowance to the applicant. R.S.O. 1950, c. 384, s. 34.

Only one  
allowance

**37.** A person is not entitled to receive at any one time more than one allowance under this Act. R.S.O. 1950, c. 384, s. 35.

Allowances  
to be paid  
monthly

**38.** Every allowance is payable in monthly instalments and is apportionable to the date of death. R.S.O. 1950, c. 384, s. 36.

Commence-  
ment of  
allowances,  
superannua-  
tion;  
disability

**39.—(1)** Every allowance shall commence as of the first day of the month next following the month during which the applicant ceased to be employed, except that a disability allowance shall not commence as of a date earlier than one year before the date upon which the completed application therefor reaches the Commission.

dependants

(2) Every dependant's allowance shall commence as of the day following the death of the person in respect of whom it is payable. R.S.O. 1950, c. 384, s. 37.

Re-  
employment

**40.—(1)** Where a person who is receiving a superannuation allowance becomes employed upon either a temporary or a

permanent basis, he shall forthwith give notice in writing thereof to the Commission, and in default of so doing forfeits any further claim to any benefit under this Act unless the Commission otherwise directs. R.S.O. 1950, c. 384, s. 38 (1); 1953, c. 103, s. 13.

(2) Where a person who is receiving a disability allowance <sup>Idem</sup> becomes employed upon either a temporary or a permanent basis or becomes engaged as a teacher in a school or institution either in or outside Ontario upon either a temporary or a permanent basis, he shall forthwith give notice in writing thereof to the Commission, and in default of so doing forfeits any further claim to any benefit under this Act unless the Commission otherwise directs. R.S.O. 1950, c. 384, s. 38 (2).

**41.**—(1) Where a person who is receiving a superannuation allowance becomes employed, <sup>Re-employment, effect</sup>

- (a) the allowance shall cease to be paid; and
- (b) he shall contribute to the Fund during the period that he is employed. R.S.O. 1950, c. 384, s. 39 (1); 1953, c. 103, s. 14.

(2) Where a person who is receiving a disability allowance <sup>Idem</sup> becomes employed,

- (a) the allowance shall cease to be paid;
- (b) he shall contribute to the Fund during the period that he is employed; and
- (c) he shall repay to the Fund the amount of the allowance received by him, with accumulated interest.

(3) Where a person who is receiving a disability allowance <sup>Idem</sup> becomes engaged as a teacher in a school or institution either in or outside Ontario but is not employed within the meaning of clause *d* of section 1,

- (a) the allowance shall cease to be paid; and
- (b) he shall repay to the Fund the amount of the allowance received by him, with accumulated interest. R.S.O. 1950, c. 384, s. 39 (2, 3).

**42.** Where a person who ceased to receive a superannuation allowance because of re-employment again ceases to be employed, <sup>Resumption of superannuation allowance</sup>

- (a) in the case of a person who has been re-employed for a period of less than two school years, payment of the allowance shall be resumed without any adjust-

ment in the amount thereof, upon receipt by the Commission of a notice in writing of the cessation of employment;

- (b) in the case of a person who has been so employed for a period of two or more school years, an application for an allowance shall be treated as an application for a new allowance; and
- (c) in no case is he entitled to receive a disability allowance. R.S.O. 1950, c. 384, s. 40 (1).

Recipient of  
disability  
allowance  
becoming  
employed

**43.** Where a person who is receiving a disability allowance becomes employed or becomes engaged as a teacher in or outside Ontario,

- (a) any application subsequently made for an allowance shall be treated as an application for a new allowance; and
- (b) any allowance or refund that he may subsequently become entitled to receive shall be reduced actuarially by any amount that he has failed to repay to the Fund in accordance with section 41. R.S.O. 1950, c. 384, s. 41.

Evidence of  
mental or  
physical  
condition

**44.—(1)** The Commission may at any time require a person who,

- (a) is receiving a disability allowance under section 29 or 30; or
- (b) having been employed for less than thirty years, is receiving a disability allowance under section 31; or
- (c) being a widower, is receiving a dependant's allowance,

to furnish evidence, in such form as it directs, of his mental or physical condition.

Failure to  
furnish  
evidence

(2) Where the person fails to furnish evidence that his mental or physical condition continues to be of a nature that would entitle him to receive an allowance under the section under which his allowance is paid, the Commission may direct that the allowance shall cease to be paid and that no further allowance shall be paid to him or that such other allowance as the Commission finds him to be entitled to shall be paid to him. R.S.O. 1950, c. 384, s. 42.

Where payee  
incapable

**45.** Where the Commission is satisfied that a person to whom an allowance is payable under this Act is incapable of managing his own affairs, the Commission may direct that



any cheque for moneys payable to him be made payable to a member of his family or household, and in that case the endorsement of the cheque by the person so designated by the Commission is a sufficient discharge of the Fund to the extent of such payment. R.S.O. 1950, c. 384, s. 43.

**46.** The interest of a person in the Fund and in an allowance under this Act is not subject to garnishment, attachment, seizure or other process of law and is not assignable. R.S.O. 1950, c. 384, s. 44. No attachment, etc.

**47.—(1)** A refund under this Act shall be made only after the receipt by the Commission of an application therefor in the prescribed form. Refunds, application for

(2) Every refund shall be paid in a lump sum unless the person to whom it is payable, or, where he has died, his personal representative, states in the application that he wishes the amount to be paid in instalments, in which case the amount shall be paid in three equal instalments without additional interest on the days fixed by the Commission for the purpose. R.S.O. 1950, c. 384, s. 45. Manner of payment

(3) Where the person to whom a refund is payable dies and has no personal representative, the refund may be paid to such person as the Commission designates. 1957, c. 122, s. 5. Where no personal representative

**48.—(1)** A person who was employed for five or more school years and ceased to be employed by withdrawing from the profession before the 31st day of March, 1949, is entitled to a refund of an amount equal to the whole of his contributions to the Fund with interest at the rate of  $1\frac{1}{2}$  per cent per annum compounded half-yearly from the date of cessation of employment to the 31st day of March, 1949. Refunds to persons who ceased teaching before March 31st, 1949

(2) A person who was employed after the 1st day of April, 1949, for twenty or more days in a school year and ceases to be employed by withdrawing from the profession is entitled to a refund of an amount equal to the whole of his contributions to the Fund, but no such refund shall be made until three months have elapsed after the date upon which the person ceased to be employed. 1953, c. 103, s. 16. Refunds to persons who ceased teaching after April 1st, 1949

(3) A person who has been employed for fifteen or more school years and who, because he has reached the age limit specified in a by-law or resolution of the board or other authority employing him, ceases to be employed before he becomes entitled to an allowance under this Act, is entitled to a refund of an amount equal to the amounts contributed by him to the Fund with interest to the date of refund at the rate of 4 per cent per annum compounded half-yearly. Forced retirement



When  
employment  
deemed  
to end

(4) For the purposes of this section, the date upon which a person shall be deemed to have ceased to be employed is the last day for which he was paid in the last school year during which he was employed for twenty days or more. R.S.O. 1950, c. 384, s. 46 (2, 3).

Second  
refunds,  
subsequent  
employment  
terminating  
before  
April 1st,  
1949

49. A person who withdrew his contributions from the Fund and subsequently was employed and ceased to be so employed before the 1st day of April, 1949, is entitled to a refund of an amount equal to the whole of his contributions during such period of subsequent employment together with interest on the total of all the contributions that he has made to the Fund at the rate of  $1\frac{1}{2}$  per cent per annum compounded half-yearly from the date of cessation of such subsequent employment to the 31st day of March, 1949, less interest on the amount of his first withdrawal at the rate of  $4\frac{3}{4}$  per cent per annum from the date of his first withdrawal to the 31st day of March, 1949. 1954, c. 93, s. 4.

Repayment  
of refunds  
on re-  
employment

50.—(1) A person who has withdrawn his contributions from the Fund and subsequently is employed for not fewer than twenty days in a school year and desires to be reinstated in the Fund in respect of his former period of employment may be so reinstated by paying into the Fund within five years from the date he commenced the subsequent period of employment the amount of contributions previously refunded to him, with interest at the rate of  $4\frac{3}{4}$  per cent per annum compounded half-yearly for the period from the date of his return to employment until the date of the completion of his repayment of the withdrawal, and any disability or superannuation allowance or other payment out of the Fund to which he may be entitled during the period of repayment shall be reduced actuarially during his lifetime by the amount withdrawn and not repaid.

Idem,  
after  
5 years

(2) A person who has withdrawn his contributions from the Fund and subsequently is employed for not fewer than twenty days in a school year and desires to be reinstated in the Fund in respect of his former period of employment may be so reinstated by paying into the Fund at any time after the expiration of the five-year period mentioned in subsection 1 the amount of contributions previously refunded to him, with interest at the rate of  $4\frac{3}{4}$  per cent per annum compounded half-yearly for the period from the date of the withdrawal or from the 1st day of April, 1949, whichever is the later date, until the date of the completion of his repayment of the withdrawal, and any disability or superannuation allowance or other payment out of the Fund to which he may be entitled during the period of repayment shall be reduced actuarially during his lifetime by the amount withdrawn and not repaid.

(3) No person who has withdrawn his contributions from the Fund and is subsequently employed and elects to be re-instituted in the Fund under subsection 1 or 2 is eligible for a disability allowance under section 29 or 30 nor are his dependants eligible for a dependant's allowance under section 32 until he has been employed for two school years after his return to employment. 1957, c. 122, s. 6.

**51.** Where a person who ceased to be employed before he had been employed for a period of five school years dies within two years of such cessation of employment, his personal representative is entitled to a refund of an amount equal to the amounts contributed by him to the Fund with interest on each amount for the period of time it was in the Fund to the date of death at the rate of 3 per cent per annum compounded half-yearly. R.S.O. 1950, c. 384, s. 50; 1953, c. 103, s. 19.

**52.** Where a person who is in receipt of a superannuation allowance was employed before the 1st day of April, 1949, no refund in respect of his contributions made after his return to employment shall be made except upon his death. R.S.O. 1950, c. 384, s. 51; 1953, c. 103, s. 20.

**53.** Notwithstanding sections 48, 51 and 52, a person who has been employed for fewer than twenty days in a school year is entitled to a refund of an amount equal to the whole of his contributions to the Fund for that school year, without interest. R.S.O. 1950, c. 384, s. 52; 1953, c. 103, s. 21.

**54.** Where a person who has been employed for five or more years and who is not in receipt of an allowance dies and no dependant's allowance becomes payable on his death, his personal representative is entitled to a refund of an amount equal to the amounts contributed by him to the Fund with interest on each amount for the period of time it was in the Fund to the date of death at the rate of 3 per cent per annum compounded half-yearly. R.S.O. 1950, c. 384, s. 53; 1953, c. 103, s. 22.

**55.** Where a person who is in receipt of an allowance dies and no dependant's allowance becomes payable on his death, his personal representative is entitled to a refund of an amount equal to the amounts contributed by the person to the Fund with interest on each amount for the period of time it was in the Fund to the date of death at the rate of 3 per cent per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the Fund to the person with

interest to the date of death at the rate of 3 per cent per annum compounded half-yearly. R.S.O. 1950, c. 384, s. 54; 1953, c. 103, s. 23.

Refund  
where dis-  
ability  
allowance  
ceased to  
be paid

**56.** A person whose allowance ceased to be paid under section 44, other than a widower under section 32, is entitled to a refund out of the Fund of an amount equal to the amounts contributed by him to the Fund with interest on each amount for the period of time it was in the Fund at the rate of 3 per cent per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the Fund to him with interest at the rate of 3 per cent per annum compounded half-yearly. R.S.O. 1950, c. 384, s. 55; 1953, c. 103, s. 24.

Refund  
where  
dependant's  
allowance  
less than  
contribu-  
tions

**57.** Where the payments made under section 32, or the amount of the allowance and any payments made under section 32, as the case may be, with interest at 3 per cent per annum compounded half-yearly to the date of cessation of the payments, are less than the amount of the contributions of the person, with interest on each amount for the period of time it was in the Fund at 3 per cent per annum compounded half-yearly to the same date, the amount of the difference shall be paid to his personal representative. R.S.O. 1950, c. 384, s. 56; 1953, c. 103, s. 25.

Regulations

**58.** The Lieutenant Governor in Council may make regulations,

1. designating schools or classes within the meaning of subclause ii of clause *d* of section 1 or within the meaning of subclause iv of clause *d* of section 1;
2. designating associations or bodies of teachers within the meaning of subclause vii of clause *d* of section 1; R.S.O. 1950, c. 384, s. 57, cls. (*a*, *b*).
3. designating associations or bodies of boards or of school trustees and ratepayers within the meaning of subclause viii of clause *d* of section 1; 1960, c. 119, s. 4 (1).
4. designating capacities within the meaning of subclause ix of clause *d* of section 1; R.S.O. 1950, c. 384, s. 57, cl. (*c*).
5. designating teachers' organizations for the purpose of clause *b* of subsection 2 of section 2; 1959, c. 99, s. 4 (1).
6. prescribing the powers and duties of the officers of the Commission, or any of them;



7. prescribing the manner in which the nomination and election of the elected members of the Commission shall be conducted;
8. prescribing the form and manner in which and by whom the accounts and records of the Commission shall be kept;
9. prescribing the terms and conditions and times that persons may contribute to the Fund under section 21;
10. prescribing the form of application for an allowance or refund and the information and material to be furnished therewith, including the form thereof, and prescribing other information and material that shall be taken into consideration by the Commission in considering applications for allowances or refunds;
11. prescribing the procedure to be followed by the Commission in considering and disposing of applications for allowances or refunds;
12. requiring persons who are contributors to the Fund or persons who are receiving allowances from the Fund, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
13. authorizing the Commission to require persons who are contributors to the Fund or persons who are receiving allowances from the Fund, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
14. prescribing the system of reductions that shall be applied in computing the allowances provided for in sections 27, 28 and 30;
15. prescribing the manner and amount of reduction of payments provided for in subsection 3 of section 32;
16. prescribing the manner of calculating the rates and amounts of annuities payable under section 34; R.S.O. 1950, c. 384, s. 57, cls. (d-n).
17. governing persons who have been absent from duty,
  - (a) because of ill-health,
  - (b) because of pregnancy,
  - (c) because of duties as jurors,
  - (d) because of duties as members of the Legislative Assembly of Ontario or of the House of Commons of Canada,



- (e) in order to take a course of study approved by the Commission,
- (f) for a period of sabbatical leave under the by-law of the employing board, or
- (g) in order to travel, where the purpose of the travel is approved by the Commission,

and providing for and regulating the payment of contributions to the Fund in respect of such periods of absence; 1953, c. 103, s. 26 (1); 1959, c. 99, s. 4 (2); 1960, c. 119, s. 4 (2, 3).

18. governing persons who ceased to be employed,
- (a) because of ill-health,
  - (b) because of pregnancy,
  - (c) because of duties as members of the Legislative Assembly of Ontario or the House of Commons of Canada,
  - (d) in order to take a course of study approved by the Commission, or
  - (e) in order to travel, where the purpose of the travel is approved by the Commission,

and who are again employed and providing for and regulating the payment of contributions to the Fund in respect of such periods of unemployment; 1960, c. 119, s. 4 (4).

19. prescribing the conditions under which credit may be given under the Act for teaching or inspectorial services performed,
- (a) in any part of Canada or the Commonwealth, other than Ontario, or
  - (b) in a school maintained by the Government of Canada for children of members of the armed forces of Canada, for Indians, or for inmates of penal institutions,

where the person is subsequently employed within the meaning of this Act, and prescribing the amount of such credit; R.S.O. 1950, c. 384, s. 57, cl. (p); 1951, c. 86, s. 2 (1).

20. prescribing the conditions under which credit may be given under the Act for any period not exceeding five years of such teaching or inspectorial services

performed in a foreign country as the Commission approves, and prescribing the amount of such credit; 1954, c. 93, s. 5 (1).

21. prescribing the conditions under which credit may be given under the Act for teaching music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject for fewer than twenty hours per week before the 1st day of September, 1957, and prescribing the method of determining the period for which such credit may be given and the amount thereof;
22. prescribing the conditions under which credit for past teaching service in a designated private school may be given under the Act to persons who contribute to the Fund under any provision of the Act other than section 17, and prescribing the method of determining the period for which such credit may be given and the amount thereof; 1958, c. 109, s. 2.
23. providing for and regulating the payment out of the Fund into a similar fund established by the Government of Canada or the government of a province of Canada of the contributions to the Fund of a teacher or inspector who ceases to be employed within the meaning of this Act and who becomes a contributor to any such similar fund; 1951, c. 86, s. 2 (2).
24. prescribing the conditions under which credit in the Fund may be given where moneys are transferred to the Fund from the Public Service Retirement Fund or the Public Service Superannuation Fund and prescribing the method of determining the period for which credit shall be given;
25. defining the meaning of "part-time employment" for the purpose of the regulations and prescribing the method of determining the period for which credit shall be given for part-time employment; 1957, c. 122, s. 7.
26. prescribing special provisions governing the conditions under which persons in receipt of allowances may become employed during a period that is declared by the regulations to be a period during which there is urgent need for their services and providing for reductions in the allowances paid to them;

27. prescribing special provisions in respect of active service or special war service or time spent receiving medical or surgical treatment for a disability sustained while on active service or special war service, including,
  - (a) the defining of active service and special war service,
  - (b) the contributions required or permitted to be made in respect of such periods and the time and manner of making such contributions,
  - (c) the credit to be given for periods spent in such service or while receiving such treatment,
  - (d) generally such provisions as may be necessary to extend to persons employed the benefits available under this Act in respect of such periods;
28. respecting persons employed in schools whose board or teachers, or both, are reported by the Minister to the Commission as having failed to comply with any Acts or regulations administered by the Department including,
  - (a) the terms and conditions upon which contributions shall be made to the Fund,
  - (b) the credit to be given to such persons in respect of the period of non-compliance; R.S.O. 1950, c. 384, s. 57, cls. (r-t).
29. prescribing the conditions under which a refund may be made to a person who establishes credit in the Fund under the regulations or who pays money into the Fund under the regulations for the purpose of establishing credit, and prescribing the method of determining the amount of such refund; 1954, c. 93, s. 5 (2).
30. prescribing forms and providing for their use;
31. respecting any right or class thereof that is deemed to be prejudicially affected by the repeal of a predecessor of this Act and the substitution of another Act for such Act;
32. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 384, s. 57, cls. (u-w).



**59.** Where a person has been engaged as a teacher in Ontario and in another part of Canada or the Commonwealth for a period of time which, if the whole period had been served in Ontario would have entitled him to a superannuation allowance under this Act, and if reciprocal arrangements satisfactory to the Lieutenant Governor in Council are made by the authority having jurisdiction in that other part, the Lieutenant Governor in Council may make regulations providing for the payment to such person of a superannuation allowance under this Act, which shall bear the same ratio to the allowance to which he would have been entitled if all of his teaching had been done in Ontario, at the rates of salary he did in fact receive, as the number of his years of teaching in Ontario bears to the total number of his years of teaching. 1953, c. 103, s. 26 (3).

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